IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.112 OF 2003

The State of Maharashtra ...Appellant

V/s.

Shri Annis Rajjak Bagwan
Partner of M/s. Hotel Neelam Palace' s
New Kailash Parbat Veg. Restaurant & Ors. ...Respondents

Mr.P.A. Pol APP for Appellant.
Ms.Suchi Halwaria for Respondent No.1 to 4.

CORAM : V.M. KANADE, J.

DATED : 4th SEPTEMBER, 2007.

P.C:-

1. Heard learned APP for the State/Appellant and learned counsel for the Respondent Nos.1 to 4/Accused No.2 to 5.

2. State has filed this Appeal against acquittal, challenging judgment and order passed by the Chief Judicial Magistrate, Pune, who by order dated 24/4/2002 has acquitted Accused No.2 to 5 for the offences punishable U/s.7(v) r/w Rule 50 of Prevention of Food Adulteration Rules, 1955 and Rule 5 of Maharashtra Prevention of Food Adulteration Rules, 1962 punishable U/s.16 and 17 of Prevention of Food Adulteration Act

1954.

3. Learned counsel for the Appellant submitted that the Trial Court had erred in holding that the Respondents were partners to the said Firm. He submitted that the Trial Court had erred in relying on the Ex.67 and 68 which was brought on record by the Prosecution.

4. It is not possible to accept the submissions made by the learned counsel for the Appellant. Said two documents did not establish that the Respondents were partners of the said Firm. On the contrary, copy of agreement Ex.103 established that the Respondents herein were not concerned with the business which was being carried out in the said premises. Apart from, it has been held by the Trial Court that sanction to prosecute to the Accused was granted without application of proper mind.

5. In my view, there is no perversity in the order passed by the Trial Court. Hence, no case is made out for grant to leave. Leave is refused.

. Criminal Appeal is dismissed and disposed of accordingly.

V.M. KANADE, J.